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In re Application of MCNAUGHTON et al :

U.S. Application No.: 10/019,438 :

PCT Application No.: PCT/CA00/00771 :

Int. Filing Date: 30 June 2000 :

Priority Date Claimed: 30 June 1999 :

Attorney Docket No.: 46824-9 :

For: MULTIPERSONALITY AUTOMATED :
TRANSACTION EXECUTION SYSTEM :
WITH MACRO ACCOUNT :

DECISION

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 30 December 2003.

BACKGROUND

On 30 June 2000, applicant filed international application PCT/CA00/00771, which claimed priority of an earlier Canada application filed 30 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 11 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 26 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 31 December 2001 (30 December 2001 was a Sunday).

On 31 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 January 2003, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

International application PCT/CA00/00771 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 30 December 2003, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 June 2000, and a date under 35 U.S.C. 371(c) of 30 December 2003.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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